

Application Serial No. 10/501,263
Atty. Docket No. 10191/3821
Reply to Office Action of 9/14/06

AMENDMENTS TO THE DRAWINGS

The attached two sheets of drawings include amendments to FIGS. 1 and 2 to include text for the boxes. No new matter has been added, and the Replacement Sheets are supported by the present application, including the specification. Entry and approval of amended FIGS. 1 and 2 are respectfully requested.

Attachments: 2 replacement sheets

REMARKS

Claims 11 to 20 are now pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statements, PTO-1449 papers and cited reference(s).

The replacement drawings filed July 9, 2004 were objected to because the added wording was asserted to be not legible. In this regard, FIGS. 1 and 2 have been relabeled with more legible wording. No new matter has been added. Entry and approval of FIGS. 1 and 2 submitted herewith are respectfully requested.

The Specification was objected to because of certain informalities. In this regard, the Specification has been amended as suggested by the Examiner. Entry and approval of the amended Specification, and withdrawal of the objection to the Specification, are respectfully requested.

Claims 13 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite with respect to certain features recited in claims 13 and 19. In this regard, claim 11 (which includes the features of canceled claim 13) and 19 have been rewritten as suggested by the Examiner, and the amendment is believed to be self-explanatory. It is respectfully submitted that claims 11 and 19, as presented, are clear and definite. Accordingly, withdrawal of the indefiniteness rejection of claims is respectfully requested.

Claims 11 to 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application No. 11601119 ("Tabata") and U.S. Patent No. 6,457,784 ("Bohm").

Claim 11 as presented relates to a method for controlling a hybrid drive of a vehicle, the hybrid drive including as propulsion motors an internal combustion engine and at least one electric motor/generator, and output shafts of the propulsion motors being operatively linkable to a power train of the vehicle, the method including activating the propulsion motors and an electrically activatable braking system of the vehicle in a coordinated manner, as a function of a negative torque demand, and taking the negative torque demand into account. Claim 11 as presented provides that *to specify a setpoint wheel*

braking torque, an instantaneous transmission output torque signal is gated with a request signal of a brake pedal. Claim 11 as presented further provides that a request signal delivered by a brake pedal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive.

It is respectfully submitted that “Tababata” and “Bohm”, whether taken alone or combined, do not disclose or suggest the feature in which to specify the setpoint wheel braking torque, an instantaneous transmission output torque signal is gated with a request signal of the brake pedal, and in which the request signal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive, as provided for in the context of claim 11, as presented. Instead, “Tabata”, for example, refers in col. 28, paragraph [109] to a hybrid drive of a vehicle, which may adopt two different types of braking, namely, a wheel braking applied in response to actuation of the brake pedal, and also a power source braking by means of the loading torques from the engine and the motor, the power source being made effective when the accelerator pedal is released. As stated by “Tabata” in the last sentence of paragraph [109], the braking force applied to the vehicle is the sum of the power source braking and the wheel braking when the driver steps on the brake pedal. An instantaneous transmission output torque signal is not taken into account. Moreover, “Tabata” does not disclose or suggest that the request signal by the brake pedal is interpreted within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive, as provided for in the context of claim 11, as presented.

Likewise, “Bohm” refers in col. 5, lines 36 to 44, to a vehicle with an electric drive and a friction brake, in which different set values for braking torque are generated for an electric motor and friction brakes of a front axle and a rear axle of the vehicle. A method for controlling a hybrid drive is neither discussed nor suggested. Moreover, “Bohm” does not disclose or suggest the feature of taking into account a transmission output torque signal for specifying the setpoint wheel braking torque and interpreting the request signal within a range that is defined by operation-related state data of the braking system and instantaneous torque or power potentials of the hybrid drive.

Accordingly, for at least these reasons, the combination of “Tabata” and “Bohm” does render claim 11 as presented obvious, and therefore claim 11 as presented is allowable.

Claims 12 to 20 ultimately depend from claim 11, and are therefore allowable for at least the same reasons as claim 11, as presented.

In view of all of the foregoing, withdrawal of the obviousness rejections is respectfully requested.

In sum, claims 11 to 20 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all of the presently pending are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. All issues raised by the Examiner have been addressed, so that an early and favorable action on the merits is respectfully requested.

Dated: 12/7/2006

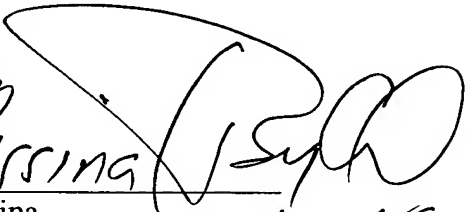
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